



City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: June 13, 2006

TO: City Council

VIA: Dennis R. Halloway, City Manager 

FROM: Deborah Woldruff, AICP, Community Development Director 

SUBJECT: DEVELOPMENT CODE AMENDMENT NO. 06-01, CONDITIONAL USE PERMIT NO. 05-06 & APPEAL OF SPECIFIC PLANNING COMMISSION DECISIONS - A request to amend the Loma Linda Municipal Code, Section 17.46.030(E), Conditional Uses to include provisions to allow the off-site sale of beer and wine in a convenience store without restriction to the floor area in the Commercial General (C-2) zone. The amendment is part of a project that requests to construct a new Arco gasoline station with a 10-fuel dispenser; a 3,000 sq. ft. canopy, three underground fuel storage tanks, a 3,600 square foot, fast-food, drive-thru restaurant, and two separate retail store buildings (4,480 and 6,900 square feet, respectively). In addition, the applicant is appealing Planning Commission's decision to deny the proposed Development Code Amendment. The 3.38 acre site is located at the northeast corner of Barton Road and California Street in the Commercial General (C-2) zone.

RECOMMENDATION

The recommendation is that the City Council takes the following actions:

1. Adopt the Mitigated Negative Declaration;
2. Uphold the Planning Commission Decision to Deny Development Code Amendment No. 06-01 to amend Loma Linda Municipal Code (LLMC) Section 17.46.030(E) pertaining to conditional uses to include provisions to allow the off-site sale of beer and wine in a convenience store without restriction to the floor area in the Commercial General (C-2) Zone based on the findings;
3. Approve the Certificate of Appropriateness based on the Findings included in Attachment A, Historical Commission Staff Reports; and,
4. Approve Conditional Use Permit No. 05-06 based on the Findings, and subject to the Conditions of Approval (Attachment B)

BACKGROUND

On April 5, 2006, the Planning Commission reviewed the project and forwarded a recommendation to deny the Development Code Amendment and to approve the Conditional Use Permit for the new Arco gasoline station with a 10-fuel dispenser; a 3,000 sq. ft. canopy, three underground fuel storage tanks, a 3,600 square foot, fast-food, drive-thru restaurant, and two separate retail store buildings (4,480 and 6,900 square feet, respectively). The recommendation for denial of the Development Code Amendment was forwarded without prejudice.

ANALYSIS

Conditional Use Permit and Certificate of Appropriateness Request

Detailed analyses of the Conditional Use Permit and Certificate of Appropriateness requests are available for reference in Attachments A and B

Development Code Amendment Request

The site is located on parcels that are currently zoned for C-2 General Business. Under the current development guidelines for the C-2 zone, on and off site sale of alcohol are limited to stores with at least 30,000 square feet of floor area. The proposed floor area for the building housing the alcohol sales is 3,600 square feet. The proposed development code amendment is requesting the negation of the minimum threshold of 30,000 square feet altogether. Furthermore, on and off site sale of alcohol is explicitly listed as a prohibited use in the C-2 zone (Section 17.46.040 H.)

Findings

Findings for the Conditional Use Permit and Certificate of Appropriateness are available for reference in Attachments A and B.

Text amendments to zoning documents are considered legislative acts and do not require findings. However, State law does require that the zoning be consistent with the General Plan. The request to permit on and off site sale of alcohol regardless of floor area in a C-2 zone is inconsistent with the General Plan in that it opposes Goal No. 4 which states the following:

“The quality of living in Loma Linda is of paramount concern, and standards should be developed for evaluating programs and policies to achieve this end.”

The amendment to Chapter 17.46.020 of the Loma Linda Municipal Code to include provisions to allow the off-site sale of beer and wine in a convenience store without restriction to floor area compromises the quality of living in the City by potentially facilitating the development of other facilities, both large and small, that sell alcoholic beverages. The proliferation of these establishments weakens the ideology of health on which the City was founded and known for. Furthermore, the current General Plan states that regional shopping centers in the City are not

feasible due to the proximity of these types of commercial facilities in San Bernardino and Riverside. Retail sales and services are expected to be attracted on a neighborhood and community shopping level – where purchases are made on a day-to-day and weekly basis. In short, the development of these smaller commercial facilities more closely reflects the community character. The establishment of alcohol sales within these neighborhood level facilities does not fit with the health conscious character and image of Loma Linda.

Public Comments

Public notices for this project were posted and mailed to parcel owners and occupants within 300 feet of the project site on May 25, 2006. As of the writing of this report, staff has not received written or oral comments in opposition or in favor of the proposal.

ENVIRONMENTAL

On March 8, 2006, staff prepared the Initial Study pursuant to CEQA and issued a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration. The mandatory CEQA public review began on Thursday, March 16, 2006 and ended on Tuesday, April 4, 2006. All of the potential project impacts identified in the Initial Study can be reduced to a level below significance with proper mitigations.

A description of the project environmental determination for a Mitigated Negative Declaration is contained in the April 5, 2006 Planning Commission Staff Report. A copy of the NOI/Initial Study is available as part of the April 5, 2006 Planning Commission Staff Report. As of the writing of this report, staff has not received written or oral comments in opposition or in favor of the environmental document.

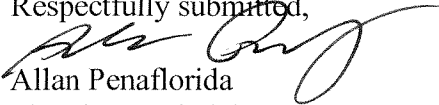
FINANCIAL IMPACT

The financial impacts to the City in terms of sales tax revenues and the generation of fees for public services are not completely known at this time. However, staff estimates that the project will be required to pay well over \$200,000 in Development Impact Fees to the City in addition to Building and Construction Plan Check and Permit fees.

CONCLUSION

The proposed Development Code Amendment and off site sale of alcohol in gasoline service station convenience stores are not consistent with the goals, policies and land use provisions in the existing General Plan. The project is not in compliance with the Commercial General Zone (C-2) regulations. The commercial project is appropriate and compatible with the surrounding new residential developments and growth within this street and neighborhood. It is recommended that the City Council adopt the Mitigated Negative Declaration, deny the Development Code Amendment request, and approve the Certificated of Appropriateness and Conditional Use Permit No. 05-06 based on the findings and subject to the conditions of approval.

Respectfully submitted,



Allan Penaflorida
Planning Technician

ATTACHMENTS

- A. Historical Commission Staff Reports
 - 1. January 9, 2006
 - 2. February 6, 2006
- B. Planning Commission Staff Report (April 5, 2006)
 - 1. Vicinity Map
 - 2. Project Plans (Site, Elevation, and Floor Plans)
 - 3. Mitigated Negative Declaration (NOI/Initial Study)
 - 4. Conditions of Approval
 - 5. Applicant's Appeal Letter (dated May 12, 2006)
- C. Conditions of Approval (Revised)

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